IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2737 OF 2005

Smt. Deepika Jivanbhai Mehta .....Petitioner.

V/s

Godavari Urban Co-op. Bank
Ltd. & anr. .....Respondents.

None appears for the petitioner.

Mr. S.N. Deshpande for respondent No.1.

Mr. S.V. More, APP for State.

CORAM: V.M. KANADE, J.
DATE : 4th August, 2006

P.C.:

1. None appears for the petitioner.

2. Heard the learned Counsel appearing on behalf of respondent No.1.

3. The learned Counsel appearing on behalf of respondent No.1 submits that the petitioner has not appeared in this Court after obtaining the ad-interim order. He submits that, thereafter, the petition was amended. However, amended copy is also not served on him.

4. I have perused the Petition.

5. Petitioner is challenging the order passed by the J.M.F.C., Nashik on the application which is filed by the accused seeking re-examination of the complainant under section 311 Cr.P.C. The learned Magistrate was pleased to reject the said application.

6. I have perused the order which is passed by the learned Magistrate. The Magistrate has observed that the documents in question were already tendered on record while the evidence was in progress and, therefore, the Magistrate felt that there was no new material available with the petitioner to cross-examine the complainant. Apart from that, it can be seen that this application was filed at a belated stage after the statement of accused under section 313 Cr.P.C was recorded. Thus, even otherwise, this is clearly an attempt made by the accused to protract the proceedings. There is no infirmity in the said order. Petition is dismissed.

7. Petition is accordingly disposed of.

(V.M. KANADE, J.)